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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,733	01/24/2006	Yung-Huei Lan	LANY3001REF 1973	
23364 7590 11/26/2007 BACON & THOMAS, PLLC 625 SLATERS LANE			EXAMINER	
			KING, ANITA M	
FOURTH FLOOR ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
			3632	
			MAIL DATE	DELIVERY MODE
			11/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

L	Application No.	Applicant(s)				
Office Action Commence	10/565,733	LAN, YUNG-HUEI				
Office Action Summary	Examiner	Art Unit				
	Anita M. King	3632				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period was a failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be will apply and will expire SIX (6) MONTHS from the application to become ABANDO	ON. timely filed om the mailing date of this communication. NED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on <u>24 Ja</u>	nuary 2006					
	action is non-final.					
<u>'</u>	s application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>1-31</u> is/are pending in the application.	4) Claim(s) 1-31 is/are pending in the application					
• • • • • • • • • • • • • • • • • • • •	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.	· ·					
7) Claim(s) is/are objected to.						
8) Claim(s) 1-31 are subject to restriction and/or e	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date					
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Information Disclosure Statement(s) (PTO/SB/08) 6) Other:						
Paper No(s)/Mail Date						

This is the first office action for application number 10/565,733, Adjustable Cup Holder, filed on January 25, 2006.

Election of Species

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Cup Holder - Species IA-Figs. 1-9; Species IIA-Figs. 10-11A; and Species IIIA-Figs. 12 and 13

Baffles - Species IB-Figs. 1-3, 5A-5C, and 10-11A; Species IIB-Figs. 6-8; and Species IIIB- Fig. 9

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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The claims are deemed to correspond to the species listed above in the following manner:

In regards to the three different Adjustable Cup Holder species, claims 1-6, 18-22, and 28 are readable on Species IA; claims 1-5, 7, 8, 10-15, and 18-22 are readable on Species IIA; and claims 1-3, 7, 9, and 16-22 are readable on Species IIIA

In regards to the three different Baffle species, claims 23-27 are readable on Species IB; claim 29 is readable on Species IIB; and claims 30 and 31 are readable on Species IIIB.

The following claim(s) are generic: claims 1-3 and 18-22.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the related species are distinct because they are not obvious variants, a different field of search would be required for each species of the cup holder and/or baffles and thus, would present a serious burden on the examiner.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anita M. King

Primary Examiner

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